

MAYOR OF VICTORIA BILL, 2022

(Bill No. 17 of 2022)

EXPLANATORY STATEMENT

The object of this Bill is to establish a framework for the election of the Mayor of Victoria. Our capital city, is of significant importance to Seychelles. It is our business and cultural center, and consequently the Town of Victoria is traversed and visited by Seychellois of all walks of life. There are many issues that the Government, Members of the National Assembly (MNAs) and public authorities address in the Town of Victoria, but there are a number of community level problems that are best left to the Mayor of Victoria to address.

The Government and public authorities will continue to focus on the overarching sustainable development and economic recovery of the entire Seychelles, by introducing policies to address national problems that affects the lives of all Seychellois. Similarly, it is expected that the MNAs will continue to engage their constituencies on legislative matters and other overarching developmental matters. The Mayor of Victoria is therefore expected to address specific issues at the community level so as to promote cleanliness, good hygiene and beautifications; prevent vandalism of public and private property; and assist the public authorities in addressing any existing or emerging community level problems in the Town of Victoria.

Currently, the Mayor of Victoria is selected by the MNAs from the districts of Bel Air; English River; Mont Buxton; St Louis; Mont Fleuri; Plaisance; Les Mamelles; and Roche Caiman. This Bill proposes that instead of the MNAs selecting the Mayor of Victoria, the Mayor of Victoria should be directly elected by Seychellois residing in the aforementioned districts until a specific register of voters of the Town of Victoria is developed in accordance with the Elections Act or regulations made under this proposed law. The coordinates for the Town of Victoria are set out in the Schedule to the Town of Victoria (Boundaries and Divisions) Act but there is no voters register for the Town of Victoria.

The Bill proposes that any Seychellois who is registered as a voter in any electoral area pursuant to the Elections Act shall be eligible to be the Mayor of Victoria except, for example, judicial officers, the Attorney General, the Chief of the Seychelles Defence and the Commissioner of Police. Moreover, any public officer can stand for election as the Mayor of Victoria but the public officer will need to proceed on leave without pay from nomination day to the election day.

The Bill further proposes a Chief Executive Officer and such other staff may be appointed by the Mayor of Victoria to implement the decisions of the Mayor of Victoria and for the management of the affairs of the office of the Mayor of Victoria.

Dated this 25th day of July, 2022.

**FRANK D. R. ALLY
ATTORNEY GENERAL**

MAYOR OF VICTORIA BILL, 2022

(Bill No. 17 of 2022)

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MAYOR OF VICTORIA BILL, 2022

(Bill No. 17 of 2022)



**A BILL
FOR**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE OF THE MAYOR OF VICTORIA; TO ENSURE THAT THE MAYOR OF VICTORIA IS DIRECTLY ELECTED BY THE PEOPLE WHO RESIDE IN THE TOWN OF VICTORIA; TO DEFINE THE FUNCTIONS OF THE MAYOR OF VICTORIA; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title and commencement

1.(1) This Act may be cited as the Mayor of Victoria Act, 2022.

(2) This Act comes into operation on such date as the President may, by notice published in the Gazette, appoint.

Interpretation

2.(1) In this Act, unless the context otherwise requires —

“**Chief Executive Officer**” means appointed Chief Executive Officer under section 12;

“**election**” means an election or re-election of the Mayor of Victoria;

“**election day**” means an election day referred to in paragraph 3(2) of Schedule 3 or in the case of the first election, the day of the election fixed by President pursuant to section 8(7);

“**Electoral Commission**” means the Electoral Commission established under article 115 of the Constitution;

“**first election**” means the first election held immediately after the commencement of this Act;

“**illegal practice**” has the definition assigned under section 23(3);

“**Mayor of Victoria**” means the person elected pursuant to this Act to serve as the Mayor of Victoria or holds the office by operation of this Act;

“**Minister**” means the Minister responsible for local governance;

“**nomination day**” means nomination day referred to in paragraph 4(3) of Schedule 3;

“**Office**” means the Office of the Mayor of Victoria established under section 3;

“**Town of Victoria**” has the definition assigned under section 4.

PART 2

OFFICE OF THE MAYOR OF VICTORIA

Establishment of the Office of the Mayor of Victoria

3.(1) There is established an “Office of the Mayor of Victoria” which

shall carry out the functions under this Act or any other written law in relation to the Town of Victoria.

(2) The Office is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of this Act and of any other written law, to do all other acts and things that a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its functions and powers set out in this Act.

Extent of Town of Victoria

4.(1) The Town of Victoria shall comprise the areas specified in the Schedule to the Town of Victoria (Boundaries and Divisions) Act, Cap. 238.

(2) Notwithstanding subsection (1), —

(a) for the purposes of the first election under this Act; and

(b) until the preparation and certification of a register of voters of the Town of Victoria in accordance with the Elections Act or regulations made under this Act,

the Town of Victoria shall be deemed to comprise the areas within the boundaries of the districts specified in Schedule 1.

Composition of the Office of the Mayor of Victoria

5. The Office shall comprise the Mayor of Victoria, a Chief Executive Officer and such staff as may be necessary and shall perform such functions as are vested in the Office by or under this Act or any other written law.

Functions of the Mayor of Victoria

6.(1) Subject to this Act, any other written law and the national policy of the Government, the Mayor of Victoria shall —

(a) assist any relevant Ministry, department or agency of the Government in the implementation of the Town of Victoria development plan;

- (b) raise moneys, in consultation with the Government, for the implementation of various projects, programmes and schemes for the Town of Victoria;
- (c) promote the health, safety, well-being, good order, security and good governance of the Town of Victoria;
- (d) cooperate with the public authorities in ensuring that persons in the Town of Victoria comply with the laws of Seychelles;
- (e) perform such other functions as are required by or under other written law or as may be prescribed by regulations.

(2) For avoidance of doubt, the Mayor of Victoria may exercise the functions specified in subsection (1) in relation to the areas specified in the Schedule to the Town of Victoria (Boundaries and Divisions) Act and any district specified in Schedule 1 subject to the provisions of this Act.

PART 3 MAYOR OF VICTORIA

Qualification to be elected as Mayor

7.(1) Subject to this Act, a person is qualified to be elected as the Mayor of Victoria if the person is registered as a voter in any electoral area pursuant to the Elections Act, Cap. 68A.

(2) A person is disqualified to be elected as the Mayor of Victoria if the person —

- (a) has been adjudged bankrupted or made a compromise or an arrangement with the person's creditors;
- (b) is of unsound mind;
- (c) is serving a sentence of imprisonment for an offence; or
- (d) holds any post referred to in Schedule 2.

(3) The Mayor of Victoria shall cease to hold office if the Mayor of Victoria —

- (a) after the election, incurs any disqualification set out in subsection (2);
- (b) is disqualified from holding office as Mayor of Victoria under this Act or any other written law or by an order of the Supreme Court;
- (c) ceases to reside in Seychelles for a period of 3 months or more;
- (d) is elected or appointed to any post referred to in Schedule 2; or
- (e) is ordered to vacate the office by the Supreme Court on the ground the election is void.

Election of the Mayor of Victoria

8.(1) The Mayor of Victoria shall be elected by the persons eligible to vote under section 9 in the districts specified in the Schedule 1.

(2) The Mayor of Victoria shall be elected to the Office in an election held in accordance with this Act and the Schedule 3.

(3) A person shall hold office as the Mayor of Victoria for a period not exceeding 5 years from the date of the declaration of results of an election and shall be eligible for re-election.

(4) A person assuming the office of the Mayor of Victoria shall, before entering the office, take and subscribe to such oath of office and allegiance, set out in Schedule 4, before the President.

(5) The Mayor of Victoria shall be paid such salary and allowances as the Minister may prescribe by regulations.

(6) An election, other than the first election, shall be held within 3 months before the last day of the period of 5 years referred to in subsection (3).

(7) On the commencement of this Act, the first election of the Mayor

of Victoria shall be held during such period as the President may, by notice published in the Gazette, specify.

(8) Where the Mayor of Victoria dies, or resigns or is removed from office, there shall be fresh elections during the period as the President may, by notice published in the Gazette, specify.

(9) The Electoral Commission shall be responsible for the conduct, supervision and declaration of an election.

Who may vote in an election under this Act

9.(1) A person who is registered as a voter in the register of voters of the Town of Victoria prepared and certified in accordance with the Elections Act or regulations made under this Act is entitled to vote at an election of the Mayor of Victoria, unless at the time of the election the person is disqualified from voting in accordance with the laws of Seychelles.

(2) Until the preparation and certification of the register of voters for the Town of Victoria, a person who is registered as a voter, for a Presidential Election or a National Assembly Election under the Elections Act, in a district set out in Schedule 1 is entitled to vote at an election of the Mayor of Victoria, unless at the time of the election the person is disqualified from voting in accordance with the laws of Seychelles.

Proceedings against a person acting while disqualified

10.(1) A person eligible to vote under section 9 or the Attorney General may institute proceedings in the Supreme Court against a person who has acted or claims to be entitled to act as the Mayor of Victoria whilst disqualified under this Act or any other written law.

(2) Proceedings under subsection (1) shall not be instituted against a person who has acted as Mayor of Victoria after the expiration of 6 months from the date when the person so acted.

(3) Where proceedings are instituted under this section, the Supreme Court may declare that —

(a) the defendant has acted as Mayor of Victoria whilst disqualified;

(b) the office in which the defendant has acted is vacant.

(4) A declaration of the Supreme Court under subsection (3) shall not invalidate any decision taken or act or things done by the defendant whilst serving as the Mayor of Victoria in accordance with the laws of Seychelles.

A public officer may stand for election

11.(1) For avoidance of doubt, any public officer who is qualified to be elected as the Mayor of Victoria may stand for election, but such public officer shall proceed on leave without pay from the nomination day to the election day.

(2) A public officer who holds the office of the Mayor of Victoria is deemed to have resigned from the post that the person held in the public service on the day of the election.

PART 4

STAFF

Chief Executive Officer

12.(1) There shall be appointed by the Mayor of Victoria a Chief Executive Officer on such terms and conditions that are applicable to officers of public bodies.

(2) The Chief Executive Officer, subject to the directions of the Mayor of Victoria, shall —

- (a) be responsible for the implementation of the decisions of the Mayor of Victoria and for the management of the affairs of the Office;
- (b) ensure that the staff of the Office performs their functions efficiently;
- (c) request information and reports from any authority or organization in relation to the Town of Victoria as may be required from time to time by the Mayor of Victoria;
- (d) prepare an annual budget and reports on the implementation

of the Town of Victoria development plan or any project, programme or scheme;

- (e) perform such other functions as the Mayor may, from time to time, assign.

(3) The Chief Executive Officer may, with the approval of the Mayor of Victoria, delegate any of the Chief Executive Officer functions to a staff of the Office.

(4) Where the office of the Chief Executive Officer is vacant for any reason or the Chief Executive Officer is unable to perform the functions under subsection (2), the Mayor of Victoria may perform or appoint any other staff of the Office to perform such functions until the Chief Executive is able the functions or a person is appointed Chief Executive Officer.

Other staff of the Office of the Mayor of Victoria

13. The Mayor of Victoria shall employ such person as are necessary for the Office to perform its functions on such terms and conditions that are applicable to officers of public bodies.

Appointment of committees

14.(1) The Mayor of Victoria may appoint such committees from amongst the Chief Executive Officer, staff of the Office, public officers or members of the public, either of a general or a special nature consisting of such number of persons as the Mayor of Victoria thinks fit, for any purposes which, in the opinion of the Mayor of Victoria, will be better assist in carrying out of the functions of the Office.

(2) Every committee shall, unless otherwise expressly authorized by the terms of its reference, submit its proceedings and recommendations to the Mayor of Victoria for due consideration.

PART 5 FINANCIAL PROVISIONS

Funds of the Mayor of Victoria

15.(1) The funds of the Office shall comprise —

- (a) moneys appropriated by or under an Appropriation Act and paid to the Office;
 - (b) moneys received from any investment;
 - (c) moneys received in connection with any services, the use of any facility or property of the Mayor of Victoria or the provision of any leisure or other recreational facilities;
 - (d) moneys lawfully received by way of a grant, gift or otherwise.
- (2) The funds of the Office may, subject to this Act or any other written law, be applied to —
- (a) the payment or discharge of the costs, expenses and other obligations of the Mayor of Victoria;
 - (b) the payment of remuneration, fees, allowances payable to the staff and any other person employed by the Office;
 - (c) any other matter incident to the functions of the Mayor of Victoria.

(3) The Mayor of Victoria may, with the approval of the Minister responsible for finance, invest any money which the Mayor of Victoria does not immediately require for the purposes of the Office.

Vesting of property

16. Notwithstanding any written law, the President may authorize that property of the Republic be placed under the control of the Mayor of Victoria for use by the Mayor of Victoria in the performance of the Mayor of Victoria's functions.

Annual estimates

17.(1) The Mayor of Victoria shall submit to the Minister responsible for finance for each financial year estimates of the Mayor of Victoria's expenditures and revenues.

(2) The financial year of the Mayor of Victoria shall be the period of 12 months ending on 31 December.

Accounts and audit

18.(1) The Mayor of Victoria shall —

- (a) keep proper accounts and records in relation to the accounts; and
- (b) prepare the statement of accounts for each financial year.

(2) The accounts and statements of accounts of the Mayor of Victoria shall be audited by the Auditor General in accordance with article 158 of the Constitution.

(3) The Mayor of Victoria shall send a copy of the audited statement of accounts and any certificate of the Auditor General in respect of the accounts to the Minister responsible for Finance.

PART 6 MISCELLANEOUS

Seal of the Mayor of Victoria

19. The Mayor of Victoria shall have a seal and every document purporting to bear the imprint of such seal shall be received into evidence and, unless the contrary is shown, shall be deemed without further proof, to have been issued by or under the direction of the Mayor of Victoria.

Law inconsistent with this Act

20.(1) Where any provision of any law is in conflict or inconsistent with any provision of this Act, the provision of this Act shall prevail.

(2) Except as otherwise provided by this Act, the Elections Act shall apply to this Act where necessary with such modifications, adaptations and qualifications that may be needed for the due administration of this Act, notwithstanding section 1(2) of the Elections Act.

No liability in certain cases

21. The Mayor of Victoria, Chief Executive Officer, a person employed by the Office or a member of a committee appointed by the Mayor of Victoria shall not be liable for any act or omission done or omitted to be done in good faith in the course of the performance of any function under this Act.

Mayor, CEO and Other Staff deemed to be employed in the public service

22. The Mayor of Victoria, Chief Executive Officer or a person employed by the Office shall not be liable for any act or omission done or omitted to be done in good faith in the course of the performance of any function under this Act.

Offences and penalties

23.(1) A person who —

- (a) knowingly makes any false or misleading statement or representation for the purpose of procuring that person's nomination or the nomination of any other person as a candidate for an election;
- (b) forges the signature of a registered voter in connection with holding of an election;
- (c) holds any office, or acts in any official capacity, or makes a statement or does an act, in the exercise of the functions of that person's office or in the person's official capacity, with intent to discourage any other person from seeking nomination as a candidate or procure candidature of a person for an election;
- (d) forges or fraudulently defaces or fraudulently destroys any register of voters;
- (e) forges and counterfeits or fraudulently destroys a ballot paper;

- (f) without due authority, supplies a ballot paper to any person;
- (g) fraudulently puts into any ballot box any paper other than the ballot paper which that person is authorised by law to put in;
- (h) without due authority, takes out of any polling station a ballot paper or has in the person's possession any ballot paper outside a polling station;
- (i) without due authority, destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers then in use for the purposes of an election;
- (j) contravenes paragraph 9, paragraph 36(2) or paragraph 37 of Schedule 3;
- (k) willfully furnishes false evidence or makes a false declaration under paragraph 14, paragraph 15 or paragraph 16, of Schedule 3;
- (l) commits an illegal practice in connection with an election;
- (m) without lawful authority, destroys, mutilates, defaces or removes a notice which is exhibited or any document which is made available for inspection, under this Act in connection with an election;
- (n) prints or publishes or causes to be printed or published a bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate without the bill, placard, poster or document bearing on the face the name and address of the printers and publishers in the district where the election is being held;
- (o) after a lawful demand has been made to that person under paragraph 39 of Schedule 3, the person fails to give such information in the person's possession or unreasonably delays in giving the information;

- (p) causes any disturbance or fails to comply with a lawful order of an Electoral Officer or a Presiding Officer at a polling station or place where the counting of votes is being carried out;
- (q) is disqualified to hold the office of the Mayor of Victoria under this Act, but knowingly does any act or purports to act as the Mayor of Victoria at the time when the person is so disqualified;
- (r) being the Mayor of Victoria or being employed by the Office, does or directs to be done, in abuse of the authority of the person's office, any arbitrary act prejudicial to the right of another person or for the purpose of gain,

commits an offence.

(2) Subsection (1)(n) shall not apply to a bill poster or document published by or on behalf of the Electoral Commission or the Chief Electoral Officer.

(3) For the purpose of this section and Schedule 3, a person commits an illegal practice where that person —

- (a) directly or indirectly gives, lends or agrees to give or lend, offers or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter or to or for any other person, on behalf of voter or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Act;
- (b) directly or indirectly gives, or procures or agrees to give or procure, or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such

voter having voted or refrained from voting at an election under this Act;

- (c) directly or indirectly makes any gift, loan, offer, promise, procurement, or agreement referred to in paragraph (a) or paragraph (b) to or for any person in order to induce such person to procure or to endeavour to procure the election of any person as a member or the vote of any voter at an election under this Act;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member or the vote of any voter at an election under this Act;
- (e) directly or indirectly advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention that the money, or any part thereof, shall be expended in bribery at any election or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at an election under this Act;
- (f) before or during any election, directly or indirectly, receives, agrees to receive or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election under this Act;
- (g) after any election receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at an election under this Act;
- (h) corruptly, directly or indirectly, either before, during or after an election, gives or provides, or pays, wholly or in part, the expense of giving or providing food, drink,

entertainment of provision to or for any person for the purpose of influencing that person, or any other person, to vote or refrain from voting at an election under this Act;

- (i) corruptly accepts or takes any food, drink, entertainment or provision referred to in paragraph (h);
- (j) directly or indirectly makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by any temporal or spiritual injury, damage, harm or loss, upon or against any voter, in order to induce or compel such voter to vote or refrain from voting, or on account of such voter having voted or refrained from voting at an election or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter either to give or refrain from giving his or her vote at an election under this Act;
- (k) votes or attempts to vote, or induces or procures some other person to vote, at an election under this Act if he or she, or if to his or her knowledge the other person, has already voted at that election;
- (l) at a lawful public meeting held in connection with an election under this Act notifying the nomination day, and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called for;
- (m) impersonates any other person in connection with an election under this Act; or
- (n) at a lawful public meeting held in connection with an election under this Act, acts or incites others to act in a disorderly manner for the purpose of preventing the holding of the meeting or the transaction of the business for which the meeting was called.

(4) A person who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine of level 3 or to both such imprisonment and fine.

(5) Where a person is convicted of committing an illegal practice under this section or Schedule 3, the person shall, in addition to any penalty under subsection (4), be disqualified for a period of 6 years from the date of conviction from contesting an election under this Act or any other written law, and the Electoral Commission shall forthwith cause a note of disqualification to be entered in all the registers of voters prepared under this Act or any other written law.

Regulations

24. The Minister may make regulations on all matters which by this Act are required or permitted to be prescribed, or which are necessary to be prescribed for giving effect to this Act and to amend any Schedule.

Consequential amendment

25. The Public Persons (Declaration of Assets, Liabilities and Business Interests) Act, 2016, is amended to the extent specified in Schedule 5.

SCHEDULE 1

(section 4)

DISTRICTS IN THE TOWN OF VICTORIA

1. Bel Air;
2. English River;
3. Mont Buxton;
4. St Louis;
5. Mont Fleuri;
6. Plaisance;
7. Les Mamelles; and
8. Roche Caiman.

SCHEDULE 2
(section 7(2)(d) and 7(4)(d))

PERSONS DISQUALIFIED TO BE THE MAYOR OF VICTORIA

1. President of the Republic of Seychelles
2. Vice-President of the Republic of Seychelles
3. Ministers
4. Members of the National Assembly of Seychelles
5. Justices of Appeal
6. Judges and Masters of the Supreme Court of Seychelles
7. Attorney-General
8. Commissioner of Police
9. Chief of the Seychelles Defence Forces
10. Members of the Constitutional Appointment Authority
11. Members of the Electoral Commission
12. Members of the Public Service Appeal Board
13. Magistrates
14. Ombudsman
15. Auditor General

SCHEDULE 3
(sections 2, 8(2) and 23(1), (3) and (5))

ELECTION

Appointment of officers for election

1. (1) The Electoral Commission shall be responsible for the conduct and supervision of an election under this Act.

(2) The Chief Electoral Officer, Electoral Officer and Assistant Electoral Officer appointed under section 3(1) of the Elections Act shall, respectively, be deemed to be the Chief Electoral Officer, Electoral Officer and Assistant Electoral Officer for the purposes of this Act.

(3) Whenever the President specifies the period for an election pursuant to section 8(7), the Electoral Commission shall, by notice published in the Gazette, appoint the Chief Electoral Officer, Electoral Officer and Assistant Electoral Officer in respect of each district specified in Schedule 1.

Register of voters

2. The register of voters published by the Electoral Commission in accordance with the Elections Act or regulations made under this Act shall be deemed to be the register of voter for purposes of an election under this Act.

Election date and calling for candidature

3. (1) Subject to this Act, the Electoral Commission shall fix the date of the election and, at least 30 days before the date of the election, give notice of the date of the election in the Gazette and in each district specified in Schedule 1.
- (2) Subject to this Act, election shall be held during the period of one day.
- (3) The date of an election referred to in subparagraph (1) shall be referred to in this Act as “election day”.

Nomination

4. (1) At least 14 days before the election day, the Chief Electoral Officer shall, by notice in the Gazette, call upon the filing of the nomination papers for an election in respect of the candidates for Mayor of Victoria.
- (2) The nomination paper required under subparagraph (1) shall be signed by the candidates for Mayor of Victoria and endorsed by at least 50 persons entitled to vote in the Town of Victoria and accompanied by —
 - (a) a certificate issued by the Electoral Commission certifying the deposit of or securing SCR 1, 000 or such other amount as may be specified in the notice; and

(b) such number of photographs of the candidate in such form and of size as specified in the notice.

(3) The day of which nomination papers are required to be filed under this paragraph shall be referred to in the Act as “nomination day”.

Publication of names of candidates

5. Not less than 8 days before the election day, an Electoral Officer shall, if the Electoral Officer is satisfied that a candidate is —

(a) not qualified to serve as the Mayor of Victoria after giving the candidate a notice in writing to show cause as to why the person's candidature should not be rejected, reject the person's candidature;

(b) qualified to serve as the Mayor of Victoria, forward the names, address and occupation of the candidate to the Chief Electoral Officer who shall publish it by notice in the Gazette.

Place and time of election

6. (1) The Chief Electoral Officer shall in the notice published under paragraph 5 give —

(a) the address of such polling stations; and

(b) the time of the beginning and closing of the polls.

(2) Notwithstanding that the time of the closing of poll has been specified in the notice referred to in subparagraph (1), the Chief Electoral Officer may extend the time for the closing of poll in all of the districts specified in Schedule 1 where it is necessary to allow all registered voters in the Town of Victoria to cast their votes.

Countermanding of election

7. (1) Where before the closing of poll on the day of an election no candidate is available for election as the Mayor of Victoria because the candidate has died or withdrawn the candidate's candidature,

Chief Electoral Officer shall countermand the election and the Electoral Commission shall, not later than 42 days after the date of the countermand, fix another date for the holding of an election.

(2) Where in an election, no candidate is elected as the Mayor of Victoria, for any reason, the Electoral Officer shall countermand the election and the Electoral Commission shall, not later than 42 days after the date of the countermand, fix another date for the holding of a special election for the election of the Mayor of Victoria.

(3) Where a candidate is elected as Mayor of Victoria as a result of a special election under paragraph (2), the person shall, subject to this Act, hold office for a period ending on the date when the term of the Mayor of Victoria ends under section 8(3).

Election campaign

8. (1) A candidate for election as Mayor of Victoria shall present the candidate's self to the voters of the Town of Victoria by means of electioneering in public meetings by the candidate or by such other means as the Chief Electoral Officer may approve.
- (2) In the organization and conduct of the meetings referred to in this paragraph, each candidate shall be given a fair and equal opportunity.
- (3) The electioneering for the purposes of this Act shall commence on the nomination day and end 24 hours before the election day.

Expenditure by candidate

9. (1) The expenditure for electioneering by a candidate seeking election as the Mayor of Victoria or any person acting on or behalf of the candidate shall not exceed a sum of SCR 300, 000.
- (2) A candidate seeking election as the Mayor of Victoria or any person acting on or behalf the candidate shall not pay —
 - (a) any person who assists the candidate at an election on account of such assistance;

(b) any person for or account of the transportation of voters to or from the polling station.

(3) A candidate seeking election as the Mayor of Victoria or any person acting on or behalf the candidate shall not accept, directly or indirectly, any contributions or donations from —

(a) any foreign government or its agent;

(b) any foreign political party or faith based organization;

(c) any public institution, statutory body or other organization controlled or owned by the government or from any company in which the government holds any capital share;

(d) any private company performing a public function pursuant to a written law;

(e) any person who is not complaint in respect of any tax obligation;

(f) any foreign individual or any foreign entity, whether incorporate or corporate;

(g) any trade union, irrespective of whether the trade union is registered.

(4) For the purpose of this paragraph —

“contribution or donation” means any sum or gift of money whether wholly or in part or any loan received by or made or provided to, or given to or spent by, or on behalf of, a candidate in paying any expenses incurred directly or indirectly, and includes any assistance or service provided by any person the value of which exceeds SCR 10,000;

“tax” means any tax, duty, contribution, fee, levy, charge, additional tax, interest and other monies that are due or payable by the candidate under a revenue law as defined under the Revenue Administration Act, Cap. 234.

Arrangement at polling station

10. (1) An Electoral Officer shall, in respect of the district specified in Schedule 1 in respect of which the Electoral Officer has been appointed —
- (a) furnish the polling station with such number of compartments as the Electoral Officer necessary for the purpose of allowing voters to record their votes screened from observation;
 - (b) place in the conspicuous place outside the polling station a notice showing in alphabetical order the surname, full names and address of each candidate standing for the Mayor of Victoria;
 - (c) provide both outside and inside the polling station notices containing instructions relating to the voting procedure to be followed;
 - (d) provide the polling station with copies of the register of voters for the district specified in Schedule 1;
 - (e) do such other things as the Electoral Officer may be directed by the Chief Electoral Officer in relation to the conduct of the election.
- (2) There shall only be 1 polling station in each district specified in Schedule 1.

Polling agent

11. (1) A candidate may appoint a person, referred to in this Schedule as a polling agent, to attend at each polling station in the Town of Victoria for the purpose of detecting impersonation.
- (2) A candidate shall, not later than 7 days or such shorter period as the Chief Electoral Officer may allow before the day of the election, notify the Electoral Officer of the name and address of the polling agent.

(3) Where a polling agent dies or becomes incapable of performing the polling agent's functions before the date of the election, the candidate may appoint another polling agent in the deceased person's place and shall forthwith give notice of such appointment as required under subparagraph (2).

Ballot boxes

12. (1) A ballot box shall be so constructed that a voter can put the voter's ballot paper inside, but cannot withdraw the ballot paper from the ballot box.

(2) Immediately before the beginning of voting, the Electoral Officer at a polling station shall show to persons lawfully present at the station that the ballot boxes are empty and shall thereafter close and seal the boxes in such manner as to prevent the boxes from being opened without the seal being broken.

Form of ballot paper

13. The Ballot Papers shall be in such form and of such colour as the Election Commission may determine.

Method of voting

14. (1) Voting at an election shall be conducted as follows —

- (a) a voter who wishes to vote —
 - (i) shall come to a polling station as specified by the Electoral Commission in the district specified in Schedule 1 where the voter registered as a voter;
 - (ii) shall satisfy the Electoral Officer at the polling station of the voter's identity and that the voter has not voted at the polling station or elsewhere;
 - (iii) subject to paragraphs 15 and 16, the Electoral Officer at the polling station shall, on being satisfied as provided in subclauses (i) and (ii);
 - (iv) call out the number and particulars of the voter, as stated in the copy of the register of voters at the station;

- (v) shall collect from the Electoral Office a ballot paper that has been perforated or stamped with an official mark by the Electoral Officer;
 - (vi) shall wait until the Electoral Officer place a mark against the name of the voter in the copy of register to denote that a ballot paper has been delivered to the voter;
 - (vii) shall, subject to subparagraph (2), on receiving a ballot paper, go immediately into one of the screened compartments in the station where the voter shall, without delay, record the voter's vote in the manner explained in the notice stipulated under paragraph 10(1)(c) or, in the case of a voter who is illiterate or does not understand the notice, in the manner explained by the Electoral Officer in the presence of the polling agent;
- (b) a voter shall not place on the ballot paper any writing or mark by which the voter may be identified.

(2) Where a voter is incapacitated by blindness or any other physical disability, the voter may call the Electoral Officer aside and, out of hearing of any other person, direct the Electoral Officer how the voter's vote is to be cast and the Electoral Officer shall cast the voter's vote accordingly and the voter shall, for the purposes of this Act, be deemed to have voted.

Allegations of irregularity

15. (1) Where an Electoral Officer at a polling station in respect of which the Electoral Officer has been appointed has reason to believe, or a candidate or polling agent at the polling station alleges, that a person wishing to vote at the polling station is not a voter entitled to vote at the station, the Electoral Officer shall —
- (a) advise the person accordingly, giving reasons for the Electoral Officer's belief, or where the candidate or polling agent has made an allegation under this paragraph, require

the candidate or polling agent to state in the presence of the person wishing to vote the reason for the allegation;

(b) warn the person that the person may commit an offence under this Act by voting.

(2) Where a candidate or polling agent referred to in subparagraph (1) refuses to state the reason for the candidate or polling agent's allegation in the presence of the person wishing to vote when required to do so by the Electoral Officer, the Electoral Officer shall disregard the allegation.

(3) Where the Electoral Officer has warned the person wishing to vote as provided in subparagraph (1)(b) and notwithstanding the warning, the person —

(a) persists in voting;

(b) produces evidence to show that the person is entitled to vote at the polling station;

(c) makes and subscribes to the declaration referred to in paragraph 16,

the Electoral Officer shall record in writing the full name and address which the person gives as the person's name and address, deliver a ballot paper to the person and allow the person to vote and, where the person votes, state that fact in the record.

Declaration of voters

16. (1) An Electoral Officer at a polling station shall require a person who wishes to vote, before the person is given a ballot paper, to provide evidence of the person's identity to the satisfaction of the Electoral Officer and to make and subscribe to a declaration in the form provided by the Electoral Commission.

(2) Where a person who wishes to vote fails to provide evidence of that person's identity to the satisfaction of the Electoral Officer or to make and subscribe to the declaration referred to in subparagraph (1), the Electoral Officer may refuse to give the person a ballot paper.

Admission of voters to polling station

17. (1) An Electoral Officer shall —

- (a) regulate the admission of voters to the polling station in respect of which Electoral Officer has been appointed;
- (b) exclude all other persons, except the candidates, Assistant Electoral Officers, polling agents, police officers on duty, the Chief Electoral Officer or any person authorised by the Chief Electoral Officer.

(2) The Electoral Officer may order a police officer or any other person authorized in writing by the Electoral Officer to remove a person who fails to obey lawful orders of the Electoral Officer at a polling station and the person so removed shall not, unless authorized by the Electoral Officer, again be allowed to enter the polling station.

Adjournment of poll in case of riot

18. (1) Where proceedings at a polling station are interrupted or obstructed by riot or violence, the Electoral Officer may adjourn the proceedings until the following day and shall forthwith notify the Electoral Commission and the Chief Electoral Officer.

(2) Where proceeding are adjourned at a polling station under subparagraph (1), the hours of polling on the following day shall be the same as those specified for the day on which election was originally scheduled to take place.

Adjournment of poll in case of riot

19. The Electoral Officer shall, as soon as practicable after the closing of the poll, in the presence of the candidates and polling agent who wish to attend —

- (a) make up into separate packets which he or she shall seal with the Electoral Officer's own seal and that of the candidates if they wish so —
 - (i) the unused ballot papers;
 - (ii) the marked copy of the register of voters;

- (b) complete a statement, to be known as the ballot paper account, in the form provided by the Electoral Commission; and
- (c) transmit the packets and the ballot paper account to the Electoral Commission.

Procedure on closing of poll

20. (1) A candidate may appoint a person, to be known as a counting agent, to attend at the counting of votes.
- (2) A candidate shall give written notice to the Electoral Officer of the names and addresses of the persons who will be appointed as a counting agents in each district specified in Schedule 1 no later than one day before the date of the election.
- (3) If a counting agent dies or becomes incapable of acting as such, the candidate may appoint another counting agent and shall forthwith give written notice of the name and address of the newly appointed counting agent to the Electoral Officer.
- (4) An Electoral Officer may refuse to admit at the place where votes are counted a person purporting to be counting agent but in respect of whom the Electoral Officer has not received a notice as provided in this paragraph.

Counting of votes

21. (1) An Electoral Officer shall make arrangements for the counting of votes in the presence of the counting agents as soon as practicable after the close of the poll and shall, so far as practicable, proceed continuously with the counting until it is completed.
- (2) An Electoral Officer shall appoint such number of persons, to be known as enumerators, as the Electoral Officer considers necessary to assist the Electoral Officer in the counting of votes.

Persons who may be present at counting of votes

22. Except with the consent of an Electoral Officer, no person other than the Chief Electoral Officer, Electoral Officer, Assistant Electoral

Officer, enumerators, the candidates and their counting agents and persons authorised in writing by the Chief Electoral Officer, may be present at the counting of votes.

Method of counting

23. (1) An Electoral Officer shall, in the presence of the counting agents and any other person referred to in paragraph 22 who may be present —

- (a) open each ballot box;
- (b) take out the ballot papers from the box;
- (c) proceed to count and record the number of ballot papers and the votes.

(2) Ballot papers shall be kept with their faces upwards while being counted and recorded.

(3) Where a ballot paper —

- (a) does not bear the official mark referred to in paragraph 14(1)(a)(v);
- (b) has anything written or marked by which a voter can be identified;
- (c) is mutilated or torn; or
- (d) does not contain a clear indication of the candidate for whom the voter has voted, the ballot paper shall not be counted and shall be endorsed with the word “rejected” by the Electoral Officer or, if a candidate or candidate's counting agent objects to the decision of the Electoral Officer not to count the ballot paper, the words “rejection objected to”.

(4) The Electoral Officer shall prepare a statement showing the number of ballot papers rejected under the following heads —

- (a) want of official stamp;
- (b) writing or mark by which a voter could be identified;
- (c) is mutilated or torn; or
- (d) absence of a clear indication of the candidate for whom the voter has voted, and shall, on request, allow a candidate or a counting agent to copy the statement.

Equality of votes and recount in election

24. (1) Where in an election, there is an equality of votes between the candidates, the Electoral Officer shall re-count the votes cast.
- (2) If after a re-count under subparagraph (1) there is still an equality of votes, the Electoral Officer shall, subject to paragraph 25, report the fact to the Chief Electoral Officer and the Electoral Commission.
- (3) The Electoral Commission shall, on receipt of the report under subparagraph (2), not later than 42 days, fix another date for the holding of a special election for the election of the Mayor of Victoria.

Candidate or counting agent may require recount

25. (1) A candidate or the candidate's counting agent may, if present when the counting or a re-counting of votes is completed, require the Electoral Officer to have the votes recounted or again re-counted but the Electoral Officer may refuse to make a third or subsequent recount if the results of the last two re-counts are the same.
- (2) An Electoral Officer shall, on the completion of counting or re-counting of votes, afford a candidate or the candidate's counting agent an opportunity to exercise the right to request for a re-count under subparagraph (1).

Electoral Officer's duties on conclusion of counting

26. (1) Upon the conclusion of the counting of the votes, the Electoral Officer with the assistance of the Assistant Electoral Officer, shall —

- (a) seal up in separate packets the counted and rejected ballot papers;
- (b) in the presence of the candidates or their counting agents, proceed, without opening the sealed packet containing the marked copy of the register of votes, to verify the ballot paper account referred to in paragraph 19(b) by comparing the number of ballot papers received with the number of ballot papers counted, rejected and unused and shall re-seal each packet after examination;
- (c) prepare a statement as to the result of the verification carried out under subparagraph (b) and, on request, allow a candidate or the candidate's counting agent to have a copy of the statement.

(2) The decision of the Electoral Officer as to any question regarding a ballot paper shall be final and not be subject to review otherwise than on an election petition referred to in paragraph 32.

Declaration of result

27. (1) Where the result of an election has been ascertained, the Electoral Officer shall —

- (a) declare the result; and
- (b) report the result to the Chief Electoral Officer and the Electoral Commission, and the Electoral Commission shall publish the results in the Gazette.

(2) The candidate for whom most votes have been cast shall be declared winner of the election.

Custody of documents

28. (1) Subject to paragraph (2), the Electoral Commission shall ensure the safe custody of all documents relating to the conduct of an election which are in the possession of the Electoral Commission.

(2) The Electoral Commission shall destroy all documents referred

in subparagraph (1) after the expiration of 6 months from the date of an election unless otherwise directed by an order of the Supreme Court.

Delegation

29. An Electoral Officer may, unless otherwise directed by the Chief Electoral Officer, authorise an Assistant Electoral Officer at the polling station in respect of which the Electoral Officer has been appointed to do any act or thing which an Electoral Officer may do under this Act and a reference, other than this paragraph, in this Schedule to an Electoral Officer shall be deemed to include a reference to an Assistant Electoral Officer.

Right to refuse disclosure of vote

30. A person who has voted at an election shall not, in any legal proceedings or otherwise, be required to state for whom he or she voted.

Non-attendance

31. Where, under this Schedule, an act or thing is required or authorized to be done in the presence of a polling agent, counting agent of a candidate or a candidate, the nonattendance of the polling agent, counting agent or candidate at the time and place appointed for the purpose shall not invalidate the act or thing.

Election petition

32. (1) The election of a person as a the Mayor of Victoria shall not be questioned or subject to a review in any court whatsoever except on an election petition presented to the Supreme Court under this Act.

(2) An election petition referred to in subparagraph (1) may be presented by —

- (a) a person who had a right to vote or who lawfully voted at the election to which the petition relates;
- (b) a person claiming to have had a right to be elected at the election to which the petition relates;

- (c) a person who was a candidate at the election to which the petition relates; or
 - (d) the Attorney General.
- (3) An election petition may claim —
 - (a) a declaration that the election is void;
 - (b) a declaration that a candidate was duly elected;
 - (c) a recount of the votes.
- (4) An election petition shall be presented within 10 days after the date of the publication of the result of the election in the Gazette under paragraph 27.
- (5) The trial of an election petition shall, subject to subparagraph (6), be held in the same manner as a trial before the Supreme Court in its original civil jurisdiction.
- (6) The Supreme Court may —
 - (a) by order compel any person who appears to the Supreme Court to be concerned in the election to which the petition relates to attend as a witness at the trial;
 - (b) examine a witness referred to in subparagraph (a) or any person in Supreme Court, although the person has not been called as a witness.
- (7) A witness referred to in subparagraph (6)(b) may, if present at the trial, be cross-examined by the petitioner, respondent and Attorney General, or their representatives.

Decision of the Supreme Court on election petition

33. (1) The election of person as Mayor of Victoria shall be declared void if it is proved to the satisfaction of the Supreme Court that —
- (a) the election was not conducted in accordance with this Act and as a result, the result of the election has been affected;

- (b) an illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the person elected or the agent of the person elected;
 - (c) the person elected was at the time of that person's election not qualified for election as Mayor of Victoria.
- (2) In an election petition under paragraph 32, where it appears to the Supreme Court —
 - (a) that an act or omission of a person elected, the agent of the person elected or any other person, which but for this subparagraph, would be an illegal practice under this Act, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; or
 - (b) that upon taking into account all the relevant circumstances it would be just that the person elected, the person's agent and any other person should not be subjected to any of the consequences under this Act for such act or omission, the Supreme Court may make an order allowing the act or omission, which would otherwise be an illegal practice under this Act, to be an exception to the Act and the person elected, the person's agent or any other person shall not be subject to the consequences of this Act in respect of the act or omission and the election of the person shall not, by reason only of that act or omission, be void.

Certificate of Court as to validity of election

34. (1) At the conclusion of the trial of an election petition, the Supreme Court shall determine —
- (a) whether the Mayor of Victoria whose election is the subject of the petition was lawfully elected;
 - (b) whether another person, other than the person who was declared elected Mayor of Victoria at the election which is the subject of the petition, was lawfully elected as Mayor of Victoria; or

(c) whether the election which is the subject of the petition was void, and pronounce its judgement and shall forward a certified copy to the Electoral Commission.

(2) An appeal against the determination of the Supreme Court referred to in subparagraph (1) shall lie to the Court of Appeal.

(3) Where an election is declared void under subparagraph (1)(c), a vacancy shall be deemed to have occurred on the date of the judgement, the Electoral Commission shall, within 42 days of the date of the judgement, fix a date for the holding of a re-election to fill that vacancy.

Determination of Supreme Court as to illegal practice

35. (1) At the conclusion of the trial of an election petition under paragraph 32, the Supreme Court shall forward its determination to the Electoral Commission —

(a) whether an illegal practice has been proved to have been committed by or with the knowledge and consent or approval of a candidate at an election, and the nature of the practice, if any; and

(b) the name and descriptions of all persons who have been proved at the trial to have been guilty of the practice.

(2) Before making any determination under subparagraph (1) in respect of a person who is not a party to an election petition under paragraph 32 or a candidate on behalf of whom the seat is claimed by an election petition under paragraph 32, the Supreme Court shall give the person an opportunity to be heard and to call evidence to show why he or she should not be so determined.

(3) Where the Supreme Court makes a determination that an illegal practice has been committed by a candidate or a person with the knowledge and consent or approval of a candidate to an election, the candidate shall be disqualified for a period of 6 years from the date of the determination from contesting an election of Mayor of Victoria.

Secrecy

36. (1) A person authorized in writing by the Electoral Commission or the Chief Electoral Officer, a polling agent, counting agent or such other person authorised under this Schedule to attend at a polling station or at the counting of votes shall, unless he or she has taken an oath of secrecy under this Schedule, take an oath of secrecy in the prescribed form before attending at the polling station or counting.

(2) A person referred to in subparagraph (1) shall not, except for a purpose authorized under this Act or any written law —

- (a) seek to obtain any information as to the candidate for whom a person is about to vote or has voted at a polling station;
- (b) communicate to any person any information of the type referred to in subparagraph (a);
- (c) communicate to any person any information as to the name or number of voter who has or has not applied for a ballot paper or voted at a polling station or as to the official mark;
- (d) seek to ascertain or communicate any information obtained at a counting of votes as to the candidate for whom any vote is given by any particular ballot paper;
- (e) communicate or seek to communicate with any person after that person has received a ballot paper and before that person has placed the paper in the ballot box.

Display of emblems in vicinity of polling station

37. A person shall not, within a building when voting in an election is in progress, or at any place within the radius of 100 metres of any such building, wear or display any card, symbol, favour or other emblem indicating support for a particular candidate in the election.

Inaccurate description

38. A misname or inaccurate description of a person or place named or described in a notice or other document prepared or issued under this

Schedule shall not affect the operation of this Schedule as regards the person or place if the person or place is so designated in the notice or other document as to be identified.

Power to demand information

39. The Electoral Commission, Chief Electoral Officer, Electoral Officer or Assistant Electoral Officer, as the case may be, may at any time demand from any person any information necessary to ascertain whether a person is qualified to vote at an election or a person is qualified to stand as a candidate in order to identify that person or the place of residence of that person and to ascertain whether any person has become disqualified from voting or standing as candidate.

Counting Remuneration of staff

40. A person employed in connection with an election under this Schedule shall receive such reasonable remuneration for his or her services as the Electoral Commission may determine.

**SCHEDULE 4
(section 8(4))**

OATHS

Oath of allegiance

I do swear/solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Seychelles, and that I will preserve, protect and defend the Constitution of Seychelles as by law established.

SO HELP ME GOD

Oath of Office

I do swear/solemnly and sincerely declare and affirm that I will faithfully and diligently perform my duties and discharge my functions in the office of the Mayor of Victoria.

SO HELP ME GOD

SCHEDULE 5
(section 25)

CONSEQUENTIAL AMENDMENTS

1. The First Schedule to the Public Persons (Declaration of Assets, Liabilities and Business Interests) Act, 2016, is amended by inserting immediately after item 11 the following —
 - “12. Mayor of Victoria elected under the Mayor of Victoria Act, 2022”